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COMMITTEE AGAINST TORTURE

Fifth session

SUMMARY RECORD OF THE 71st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 21 November 1990, at 3.30 p.m.

Chairman: Mr. VOYAME

CONTENTS

Organizational and other matters (continued)

Methods of work of the Committee

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The meeting was called to order at 3.35 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Methods of work of the Committee

1. The CHAIRMAN invited the members to continue their discussion of the Committee's methods of work for the consideration of the reports of States parties and the formulation of conclusions and recommendations.

2. Mr. MIKHAILOV said that he would like the Committee to adopt methods of work rather than rules, since methods could be changed depending on the circumstances. One point that particularly needed to be cleared up was when the Committee should formulate its conclusions. If the members unanimously agreed, the Committee should be able to state its conclusions immediately, not on the day following the consideration of the report. He suggested that agreement should be reached on the few points of that kind that still had to be settled and that Ms. Chanet and Mr. Sorensen should be requested to draft a text for the April session.

3. Mr. DIPANDA MOUELLE said that efforts should be made to prevent States parties from being aware of possible differences of opinion within the Committee, as Ms. Chanet had pointed out at the preceding meeting. Accordingly, when the representatives of a State party had finished answering members' questions and had withdrawn, the Committee might try to identify ideas on which the members agreed and which would then be stated by the country rapporteur and the alternate country rapporteur. If the rapporteur wanted to add an idea which had not already been discussed, he could tell members about it shortly before the beginning of the corresponding meeting.

4. Ms. CHANET said that she agreed to draft a text with Mr. Sorensen for the forthcoming session. To that end, however, all substantive issues had to be settled at the current session.

5. Mr. SORENSEN said that he was prepared to draft a document with Ms. Chanet and the assistance of the secretariat. The text might even be distributed in one language before the end of the current session.

6. Mr. KHITRIN said he agreed with Mr. Mikhailov that it was not necessary to make a delegation wait 24 hours to give it the Committee's opinion if the report it had submitted did not give rise to any particular problems.

7. Mr. BURNS said that, in view of the attendant costs, a delegation should not be made to wait unnecessarily.

8. Mr. SORENSEN said that the Committee nevertheless needed some time to discuss its conclusions. In the case of a "difficult" country, the delegation would have to be asked to come back the next day. If there was no particular problem, the Committee might suspend its meeting for a few minutes to enable the rapporteur to consult with the alternate rapporteur and, possibly, with other members so that he could formulate conclusions which had the support of the Committee as a whole.

9. Ms. CHANET pointed out that the Committee could not have deliberations like a court. It would be better if the members made their comments following the replies of the delegation of the State party and before the alternate rapporteur and the rapporteur took the floor. The rapporteur might then sum up the comments by the members of the Committee. If he wanted to propose something new, he might ask to have the meeting suspended. However, in the case of a difficult country, which might be asked to provide further information, there would have to be a discussion and the formulation of conclusions would have to be deferred until the following day.

10. Mr. DIPANDA MOUELLE said that he fully agreed with Ms. Chanet.

11. Mr. SORENSEN said that the time spent in giving advice to States parties was particularly useful. For that reason and in order to treat all States parties in the same way, there would have to be a suspension of 5 to 10 minutes in all cases so that the rapporteur, the alternate rapporteur and, possibly, other members could check the list of recommendations.

12. The CHAIRMAN said the Committee agreed that, following the consideration of a report, it should formulate its conclusions the same day, if possible. When a report did not give rise to any particular problems, a brief suspension of the meeting should allow consultations to be held before the rapporteur immediately formulated conclusions on behalf of the Committee, it being understood that the members could speak again if they wished to, although, in general, they probably would not. If a case required further consideration, research or informal consultations, however, the rapporteur might request that the conclusions should be deferred until the following day. That should not happen in more than one quarter or one third of cases.

13. Noting that the Committee endorsed those methods, he requested Ms. Chanet and Mr. Sorensen to follow Mr. Mikhailov's suggestion and draft a text setting out the methods on which the Committee had just agreed.

14. It was so decided.

The meeting rose at 4.10 p.m.